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3                   UNITED STATES DISTRICT COURT  
4                   WESTERN DISTRICT OF WASHINGTON  
5                   AT SEATTLE

6                   UNITED STATES OF AMERICA,  
7                   Plaintiff,  
8                   v.  
9                   JAMES ARTHUR DUNCAN,  
10                  Defendant.

CASE NO. CR06-388 RSM  
CR07-250 RSM  
  
SUMMARY REPORT OF U.S.  
MAGISTRATE JUDGE  
AS TO ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE

12                  INTRODUCTION

13                  I conducted a initial appearance on alleged violations of supervised release in this case  
14 on July 23, 2007. The United States was represented by Ye Ting Woo for Katheryn  
15 Frierson. The defendant was represented by Michael Filipovic.

16                  CONVICTION AND SENTENCE

17                  Defendant had been convicted of Accessory after the Fact on or about May 30, 1996.  
18 The Hon. Richard P. Matsch of the District of Colorado sentenced Defendant to 130  
19 months of confinement, followed by three years of supervised release. On April 17, 1998  
20 the custody term was reduced to 118 months. On October 31, 2006, jurisdiction was  
21 transferred to the Western District of Washington before the Hon. Ricardo S. Martinez.  
22 The defendant began his term of supervised release in this district on December 5, 2006.  
23 On January 2, 2007 the Hon. Ricardo S. Martinez modified the term of supervised release  
24 due to violations. Defendant again violated the terms of supervised release on or about  
25 February 26, 2007, resulting in revocation of supervised release on March 27, 2007. A  
26 condition of supervised release ordered defendant to reside and participate in a residential  
27

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1 reentry center for up to 180 days. The defendant is also serving a concurrent term of  
2 supervised release for bank robbery in the Central District of California. This allegation  
3 is deemed an alleged violation of the terms of supervision of that sentence also.

4 DEFENDANT'S ADMISSION

5 U.S. Probation Officer Christopher Luscher for Lisa Combs alleged that Defendant  
6 violated the conditions of supervised release in one respect:

7 (1) Failing to reside in and satisfactorily participate in a residential reentry center  
8 program, as of July 5, 2007, in violation of the special condition that he reside  
9 in a satisfactorily participate in a residential reentry program as a condition of  
10 supervision for up to 180 days.

11 I advised the defendant of the charge and of his constitutional rights. Mr. Duncan admitted  
12 the violation, waived any hearing as to whether it occurred, and consented to having the  
13 matter set for a disposition hearing.

14 RECOMMENDED FINDINGS AND CONCLUSIONS

15 Based upon the foregoing, I recommend the court find that Defendant has violated the  
16 conditions of his supervised release as alleged under both case numbers and set the matter  
17 for a disposition hearing. Defendant has been remanded to custody pending a final  
18 determination by the Court.

19 DATED this 24<sup>th</sup> day of July, 2007.

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22 MONICA J. BENTON  
23 United States Magistrate Judge

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25 cc: Sentencing Judge : Hon. Ricardo S. Martinez  
26 Assistant U.S. Attorney : Katheryn Frierson  
27 Defense Attorney : Michael Filipovic  
U. S. Probation Officer : Lisa Combs